



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,648	01/10/2001	Larry Lunetta	004565.P001	9518
7590	11/04/2003		EXAMINER	
Andre L. Marais BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP 7th Floor 12400 Wilshire Boulevard Los Angeles, CA 90025			PATEL, KANJIBHAI B	
		ART UNIT	PAPER NUMBER	
		2625		
		DATE MAILED: 11/04/2003		

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/758,648	LUNETTA ET AL.	
	Examiner	Art Unit	
	Kanji Patel	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 10 January 2001 .

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-69 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 64-69 is/are allowed.

6) Claim(s) 1-5, 16-25, 32-38, 42-46, 50-52, 55-59, 62 and 63 is/are rejected.

7) Claim(s) 6-15, 26-31, 39-41, 47-49, 53, 54, 60 and 61 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 10 January 2002 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2
4) Interview Summary (PTO-413) Paper No(s). ____
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Drawings

1. Drawings filed on 1/10/01 have been approved.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 16-25, 32- 38, 42-46, 50-52, 55-59 and 62-63 are rejected under 35 U.S.C. 102(e) as being anticipated by Knight (US 6,344,853 B1).

For claim 1, Knight discloses a method for generating a composite image (fig. 1) including:

presenting a first image (at least column 5, lines 48-52) via a Web interface (16 in figure 1 provides internet or network for interface) presented on a browser (12 in figure 1 provides web browser);
presenting a second image (column 5, lines 40-48; also see figures 3A - 3F) via a Web interface(16 in figure 1 provides internet or network for interface) presented on the browser (12 in figure 1);
communicating a selection of the first image and the second image to a server (18a in figure 1) via a network (16 in figure 1) ;

automatically generating a composite image of the first image and the second image at the server (column 5, lines 44-52); and
communicating the composite image from the server (18 in figure 1) to the browser (12 in figure 1) via the network.

For claim 50, see the rejection of claim 1 above.

For claim 57, see the rejection of claim 1 above.

For claims 2, 22, 35, 43, 51, 58, Knight discloses the method wherein the first image is a product image (column 5, lines 48-52; elements 142a-142d in figures 3A-3F are product images).

For claims 3, 23, 36, 44, 52 and 59, Knight discloses the method wherein the second image is a decorative image including any one of a group of images including a logo image and a text image (elements 144' 144'', 144, in figures 3B-3D and 3F are decorative images including logo image and text image).

For claims 4, 24, 37 and 45, Knight discloses the method wherein the composite image (figures 3C-3D and 3F) includes the second image (at least 144 in figure 3F placed in a default position on the first image (142a in figure 3F; column 5, lines 46-52; column 8, lines 41-60).

For claims 5 and 25, Knight discloses the method further including:
positioning the second image (at least step 2 in figure 3C) relative to the first image (step 1 in figure 3C) via a Web interface (16 in figure 1) presented on the browser (12 in figure 1) to generate relative positioning information (column 8, lines 41-60);

communicating (column 8, lines 41-60; figures 1, 2A-B) the relative positioning information to the server (18 in figure 1) via the network (16 in figure 1); and

automatically generating the composite image (step 3 in figure 3C) of the first image and the second image at the server according to the relative positioning information (column 8,lines 41-60).

For claim 16 and 32, Knight discloses the method wherein the composite image is associated with information in a database (at least 30, 38, 40 in figure 1 provides database), the associated information in the database being communicated together with the composite image from the server to the browser via the network as a photo sample (at least elements 98 and 106 in figure 2B provide photo sample).

For claims 17 and 33, Knight discloses, the method wherein the photo sample is sent via network to a specified e-mail address (et least elements 58 and 100 in figures 2A-2B provide e-mail information).

For claim 18, Knight discloses the method wherein a URL (column 1, lines 25-60) containing the photo sample is sent via network to a specified e-mail address.

For claim 19, Knight discloses the method wherein a user zooms in (in figures 3D-3E, 142a is an enlarged photo which reads on zoom in) to the photo sample.

For claim 20, Knight discloses the method wherein a user zooms out (in figure 3B, 142a shows a zoom out photo of figures 3D-3E) of the photo sample.

For claim 21, see the rejection of at least claim 1 above.

For claims 38 and 46, Knight discloses the network-based method further including: positioning the second image (step 2 in figure 3C) relative to the first image (step 1 in figure 3C) via a Web interface (16 in figure 1) presented on the browser (12 in figure 1) to generate a relative positioning information (column 8, lines 41-60) ; communicating (column 8, lines 41-60; figures 1, 2A-B) the relative positioning information to the server via the network; receiving the composite image of the first image and the second image from the server to the browser, the composite image generated according to the relative positioning information; and displaying (at least figure 3C) the composite image at the browser.

For claim 42, see the rejection of at least claim 1 above.

For claims 55 and 62, Knight discloses the apparatus wherein the server is further configured to generate a photo sample (at least elements 98 and 106 in figures 2A and 2B provide photo sample).

For claims 56 and 63, Knight discloses the apparatus wherein the server is further configured to transmit the photo sample via the network to a specified e-mail address (at least 58 and 100 in figures 2A and 2B provide e-mail information).

Other prior art cited

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yokoe et al. (US 4,849,902) discloses a stitch data processing apparatus for embroidery sewing machine.

Wiesenthal (US 6,175,966 B1) discloses a garment having a closeable pocket which conceals embroidery and method of producing a garment having a closeable pocket which conceals embroidery.

Mannel (US 4,526,116) discloses a method and arrangement to control an automatic embroidery machine.

Allowable Subject Matter

4. Claims 6-15, 26-31, 39-41, 47-49, 53-54 and 60-61 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 64-69 are allowed.

For independent claim 64, the prior art on record fails to teach or suggest, alone or in combination for automatically calculating an embroidery price of the composite image, the embroidery price comprising an estimated price for the application of a design represented by the second image to a product represented by the first image and communicating the composite image along with the calculated embroidery price from the server to the browser via the network.

Contact information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kanji Patel** whose telephone number is (703) 305-4011. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 6:30 p.m. Friday off.

If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, **Mehta, Bhavesh**, can be reached on (703) 308-5246.

Any inquiry of general nature or relating to the status of this application should be directed to the **Group receptionist** whose telephone number is (703) 305-3800.

The **Fax number** for this group is (703) 306-9306.



Kanji Patel
Patent Examiner
Group Art Unit 2625
October 31, 2003